



BEFORE THE BOARD OF APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/865,090

Customer No. 23379

Applicant: Harold R. Garner

Confirmation No: 2902

Filed: May 24, 2001

Group Art Unit: 2177

Docket No. UTSD: 0668

Examiner: Wong, Leslie

Title: *A Program for Microarray Design and Analysis*

CERTIFICATE OF MAILING

I hereby certify that this corr. is being deposited with the US Postal Service as First Class Mail in an envelope addressed to the Comm. for Patents, PO Box 1450, Alexandria, VA 22313-1450 on January 3, 2005.

Signed


Richard Aron Osman

BRIEF ON APPEAL

The Honorable Board of Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Board:

We appeal from the Examiner's Aug 3, 2004 final rejection of claims 1-24.

REAL PARTY IN INTEREST

The real party in interest is The University of Texas System Board of Regents, the assignee of this application.

RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

STATUS OF THE CLAIMS

Claims 1-24 are rejected and subject to this appeal.

STATUS OF THE AMENDMENTS


All Amendments are believed to be properly before the Board.

measure, we provided the Examiner with affirmative evidence in the form of an expert Declaration by Professor Garner averring to the foregoing. The Action does not controvert this evidence of record. Accordingly, the uncontroverted evidence of record demonstrates that the cited art does not suggest the invention as claimed.

Appellants respectfully request reversal of the pending Final Action by the Board of Appeals.

We petition for and authorize charging our Deposit Account No.19-0750 all necessary extensions of time. The Commissioner is authorized to charge any fees or credit any overcharges relating to this communication to our Dep. Acct. No.19-0750 (order UTSD:0668).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP



Richard Aron Osman, J.D., Ph.D., Reg.No. 36,627
Tel(949) 218-1757; Fax(949) 218-1767